

Former engineer sues radio station for libel

by Ruth Roberts
Staff Writer

The former chief engineer at the community-based KLSN radio station in Oakley is suing the Friends of Oakley and the station's general manager, citing libel and conversion of property as grounds for the civil suit.

The suit, brought by Jeff Brown, the station's former chief engineer, was filed in The Superior Court of California - Contra Costa County on March 7 and names KLSN General Manager Chris Ponsano and the Friends of Oakley foundation as the defendants. The Friends of Oakley hold the station's broadcast license. Brown is seeking in excess of \$25,000 in damages for loss to his reputation and the return of equipment he loaned the station.

According to the suit, in 2016, Ponsano asked Brown to help him install a transmitter on a radio tower in Antioch, which Brown did using some of his own equipment until new equipment could be purchased. The station went on the air in January 2017, and around May of the same year, the station's transmitter failed and KLSN went off the air. Brown said he installed a used transmitter that belonged to him to get the station back up and run-

ning but added that it was only a temporary fix. Brown said Ponsano agreed to purchase new equipment but never did, and in January 2018, according to Brown, the transmitter failed again - this time the station's hard drives also crashed and media libraries, among other items, went missing.

Ponsano fired Brown in January 2018 and in an email sent on Jan. 26 to a former station volunteer, Ponsano noted the grounds for which Brown was dismissed.

"Jeff had a temper tantrum and vandalized the station," reads the email included in the court documents. "He also threatened the board president ..."

Last month, Ponsano filed a police report with the Oakley Police Department, claiming that Brown had broken into the station and stolen equipment, but the police found no corroborating evidence to support the claims. Ponsano said he is going to expand the report to include official radio station records that he claims are missing. Prior to filing the suit, Brown said he has asked for the return of his equipment but to date has not received it.

Neither Ponsano nor Kevin Romick, Friends of Oakley president, had been served court papers as of press time.

Romick refused to comment on the suit until he had read it, and Brown offered no comment pending the litigation. But Ponsano refuted the claims during an interview with The Press.

"Here's the problem with Jeff," said Ponsano. "He has put in a lot of time on this project (the radio station), and he is angry and mad. He feels he should get paid ... I am kind of astounded by the bitterness."

The lawsuit is just the latest chapter in a controversial story of the community radio station. In January, when Brown initially went to the radio tower to repair the blown transmitter, he claimed he found a note - "Who are you? What's your contract number?" - in a plastic envelope attached to the transmitter from American Tower Company, the entity that owns and operates the tower. The note sparked concerns from Brown that the group was attached to the tower without permission.

But according to Ponsano, the radio station had permission to attach to the tower from the City of Antioch, which owns the land, via Mayor Sean Wright, the nephew of Oakley councilmember and Friends of Oakley founder Kevin Romick. Ponsano said a verbal contract and gentleman's handshake with Wright secured the use of the tower in January 2017, when the station found itself up against a hard deadline from the Federal Communications Commission (FCC), which threatened to revoke their license if they did not get up and running by early 2017.

"We were told we were legally allowed to be there," said Ponsano. "My original

"*We are represented, and we have an attorney. We will probably just ask to dismiss, and if they don't, then I'll just go and explain, and Jeff can try and back up his libel claim.*"

Chris Ponsano,
KLSN general manager

understanding was based upon the conversation that I had with Sean (Wright) that it was OK to be on the tower. It was a verbal agreement. The problem came in that there should have been more follow-through on my side."

But Wright remembered it differently. "There was no handshake agreement from me," he said.

Ponsano maintains that the issue was simply a misunderstanding and insists he did have authority to be on the tower following an agreement between Wright and Romick.

As for the suit, Ponsano said he is prepared for his day in court.

"We are represented, and we have an attorney," said Ponsano. "We will probably just ask to dismiss, and if they don't, then I'll just go and explain, and Jeff can try and back up his libel claim."

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Restoration project under fire



Photo by Tony Kukulich

Smelt habitat at center of state's proposal

by Tony Kukulich
Staff Writer

The California Department of Fish and Wildlife (CDFW) has released a draft version of a plan that would alter Franks Tract and Little Franks Tract for the dual purpose of creating a Delta smelt habitat and improving water quality, but the plan has raised concerns among many who recreate and operate businesses in the area.

The plan calls for the construction of a berm that would split Franks Tract in two along a line that runs roughly north to

south. Approximately 1,000 acres of tidal wetlands would be created by dumping millions of cubic yards of fill on the west side of the berm and into Little Franks Tract. An open-water channel would be established on the east side of the berm. Access to False River and the San Joaquin River to the east of the tract would be permanently blocked by the project in an effort to limit salt water intrusion into the central Delta.

"The Division of Fish and Wildlife's plan to 'restore' Franks Tract is another assault on the Delta and its people by the Natural Resources Agency," said Bill Wells, executive director of the California Delta Chambers & Visitor's Bureau. "John Laird, Charleton H. Bonham and Carl Wilcox should all be held personally responsible for any damage to the economy and the ecosys-

see **Smelt** page 34

Police Officer Of The Year



Brentwood Police Department honors Ed Loss as Officer of the Year. **Page 5**

Celebrating A Landmark



The storied El Campanil Theatre to mark its 90th birthday with shows and gala events. **Page 10**

Welcome! Guide is here

The Brentwood Press' 2018 East County Welcome! Guide has hit the streets. This year's book is chock-full of useful and helpful information to make your life more fun, efficient and productive. Pick up a copy at your local Chamber of Commerce; the Brentwood Press office, at 248 Oak St.; or from numerous racks throughout East County.

If you prefer reading the guide online, you'll find it there, too. Just hop on to www.eastcountylwelcomeguide.net.



City OKs strategic plan

by Kyle Szymanski
Staff Writer

The Brentwood City Council recently approved a strategic plan that outlines the municipality's key goals and projects for the next two years.

The document is divided into six focus areas and covers a wide variety of topics, including public safety, economic development, land-use planning and community and neighborhood services.

"We put the council through a pretty grueling strategic planning process, and they identified the high priorities for the next two years," said City Manager Gus Vina. "The idea is, you have a two-year budget and elections every two years, so you have a strategic plan that goes along with that time line."

Among many other things, the goals and projects laid out in the plan include: attempts to bring a full-scale hospital to the area, build a next-generation business park, increase fire district resources, prepare a 373-

acre property in the northwest portion of the city for prospective businesses, create a vision for a vibrant downtown and join in the Contra Costa Water District's effort to expand Los Vaqueros Reservoir.

"I really like this strategic plan," said City Councilmember Bailey Grewal. "I think this is a great blueprint. We worked almost two days on a draft, and staff did a lot of work after that."

The city has set aside \$34.5 million for the plan, which includes \$12 million in anticipated state-funded loans, \$10.2 million in development fees and \$5.2 million from other city funds.

"After we set aside the \$34.5 million for the two-year plan, there is still a 30 percent general fund reserve at almost \$16 million, and our budget stabilization fund (comprising past general-fund savings) remains at almost \$19 million," Vina said. "We don't touch these dollar amounts at all in the stra-

see **Plan** page 34

Playing Semi-Pro Football



Delta Valley Falcons launch semi-pro football team in East County. **Page 23**

Calendar	35
Classifieds	27
Cop Logs	33
Education	8
Entertainment	10
Food	11
Milestones	20
Opinion	22
Pets	15
Sports	23



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Storm Stalks KLSN Over Tower Use

March 12, 2018 6:00 am

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UPDATE Last week, KLSN-LP in Oakley, CA reported tower site and studio vandalism to the FCC, as an explanation of why it went off the air. It appears there's more to the story, as local news outlets report there's a question about whether the station had legitimate access to the tower.

The *East Bay Times* and *The Press* report the low-power FM was in a rush to meet its FCC construction deadline last year and get on the air. KLSN GM Chris Ponsano asked Antioch Mayor Dr. Sean Wright for help getting the station's antenna on a tower.

Emails obtained by the *Times*, show an exchange between Wright and Ponsano in which Wright believes there's space on the city-used tower in Antioch. The city owns the land and American Tower owns the structure. **However, the city's attorney on cell leases told the Mayor then, that wasn't accurate. The interim attorney recently confirmed to the *Times*, that KLSN's equipment was not supposed to be on the tower.**

When the damaged transmitter took the station off the air, **KLSN engineer Jeff Brown told the *Press* he went to the tower site and found a note from the towerco asking: "Who are you?" and requesting their contract number with AMT.**

The GM told *The Point* he believed the station and the city of Antioch had an oral agreement via Mayor Wright to use the tower. Ponsano said: "My original understanding was based upon the conversation that I had with Sean [Wright] that it was ok to be on the tower. It was a verbal agreement. The problem came in that there should have been more follow-through on my side."

Wright refutes that, telling *The Point* he did not give Ponsano permission to be on the tower after city attorneys said no. Brown, meanwhile, told *The Point* Ponsano gave him an access code to get onto the site and KLSN operated for a year on the tower until the transmitter failed.

Ponsano confirmed he called AMT asking to look at the site to see if it suited their needs and AMT gave the station the code. *Inside Towers* efforts to reach AMT were unsuccessful.

Antioch interim attorney Derek Cole said he was unclear about any legal ramifications. Ponsano believes the situation will be settled with the city and the station will return to air.

March 12, 2018

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